

REMARKS

The Office Action dated December 30, 2005 has been carefully considered. Responsive thereto, Applicant has amended the claims as indicated above, and requests that the Examiner consider the following remarks. A Request for Continued Examination (RCE) is being filed herewith.

The specification was objected to because the term “outer skirt” was used in conjunction with both “38” and “40”. The drawings were objected to for failing to show the plastic material in the cross-sectional views as described in the specification. Claim 2 was objected to due to an informality. Claims 1 – 4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Herr (4,526,281) in view of Yeager (5,207,341).

Claims 1 and 2 have been amended. Claims 1 – 4 remain pending. No new matter has been added. Reconsideration is respectfully requested.

The claims have been amended to a scope that is considered to be allowable in view of the issues raised by the Examiner in the Office Action.

Applicant responds to the objection to the specification by amending the specification to more clearly define an upper circumferential outer skirt (38) and a lower circumferential outer skirt (40).

Applicant responds to the informalities regarding the drawings, by filing three replacement drawing sheets (FIGS. 1 – 6) herewith. In the replacement sheets the plastic insert (50) as described in the specification is depicted in cross-sectional view.

Rejections Under 35 U.S.C. §103(a)

Claims 1 – 4 were rejected under 35 U.S.C. §103(a) as being unpatentable over 35 U.S.C. 103(a) as being unpatentable over Herr (4,526,281) in view of Yeager (5,207,341). Claim 1 was alternately rejected as being unpatentable over Brennan (5,924,588) in view of Yeager. Applicant respectfully requests reconsideration of the rejections as the cited references do not appear to teach or suggest, alone or in combination, the claimed structure and function of Applicant's invention.

As to Applicant's previous arguments that the references fail to show a "concentrically arranged configuration", the Examiner noted that such structure was not recited in rejected claim 1. Responsive thereto, Applicant has amended Claim 1 to recite "an upper circumferential outer skirt in radially spaced concentric surrounding relation with said plug outer surface" and further that the upper circumferential outer skirt is disposed in concentric radially inward relation with said lower circumferential skirt. Applicant further calls the Examiner's attention to previously presented claim 2, wherein the following limitation is recited: said upper circumferential skirt being concentrically disposed and radially inwardly spaced relative to said lower circumferential skirt. The cited references neither teach nor suggest the claimed structure of a reversible cap having upper and lower circumferential skirts wherein the upper skirt is disposed in concentric, radially inward relation with the lower skirt.

The Examiner acknowledges that Herr fails to disclose the circumferential outer skirt as disclosed and claimed by Applicant in the present invention.

The Examiner acknowledges that Brennan also fails to disclose the circumferential outer skirt as disclosed and claimed by Applicant in the present invention.

In an attempt to overcome the deficiencies present with the Herr and Brennan references, the Examiner relies on the Yeager reference to provide the circumferential outer skirt disposed in spaced surrounding relation with the plug outer surface. Even assuming that Yeager depicts a skirt (22) as stated by the Examiner, Yeager fails to either teach or suggest upper and lower circumferential skirts disposed in concentric relation as disclosed by Applicant. Applicant's reversible cap having concentrically disposed upper and lower skirts with the upper skirt disposed radially inward relative to the lower skirt provide the user with tactile feedback that assists in determining proper orientation of the cap for either child resistant or non child resistant closure. Nowhere does the prior art either teach or suggest such a structure having significant functionality as the presently claimed invention.

In view of the amendments and arguments presented herein it is believed that that the claims are patentably distinguishable over the prior art. Accordingly, Applicants respectfully requests a favorable action on this case.

This Amendment is considered timely as having been filed in response to the Final Office Action dated December 30, 2005, by Express Mail on Monday May 1, 2006 along with a Petition for Extension of Time (1-month) with appropriate fee, and a Request for Continued Examination (RCE). It is noted that the response window with a 1-month extension effectively expires on May 1, 2006, as April 30, 2006 fell on a Sunday.

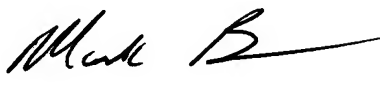
Should the Examiner have any questions, comments, or concerns, the undersigned would appreciate a telephone conference in order to expedite this case.

Respectfully submitted,

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